

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

IN RE: HOLOCAUST VICTIM ASSETS
LITIGATION

This Document Relates to: All Cases

X : Case No. CV 96-4849 (ERK)(MDG)
: (Consolidated with CV 96-5161
: and CV 97-461)

MEMORANDUM & ORDER

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT, E.D.N.Y.

★ OCT 8 2006 ★

BROOKLYN OFFICE

**MEMORANDUM & ORDER APPROVING SET 11HBJ¹ OF DECISIONS ON
APPEAL**

KORMAN, J.:

As provided under the Settlement Agreement, and in accordance with the procedures established in the December 8, 2000 Memorandum & Order, in the December 14, 2006 Memorandum & Order, and in the Plan of Allocation and Distribution of Settlement Proceeds, Special Master Helen B. Junz is hereby requesting the Court's approval of the 10 Decisions on Appeal listed in Annex A to this Order. At the direction of the Court, Special Master Junz was not involved in the initial review of the CRT's recommendations in connection with the 10 decisions described herein. Accordingly, the Court determined that it was appropriate for her to review these decisions on appeal and to provide her appellate recommendations to the Court.

Under Article 22(2), the Rules further provide that "[a]n Award may be made of the value of an Account in favor of a Claimant if:

¹ This being the eleventh Set of Appeal Decisions submitted to the Court by Special Master Helen B. Junz.

- a) the Claimant has identified a person with precisely the same name as the Account Owner, or the Claimant has accurately identified a person with substantially the similar name as the Account Owner or a credible pseudonym, and where applicable, has provided a plausible explanation for the difference in names; and
- b) the CRT is satisfied that the information provided by the Claimant is consistent with unpublished information in the bank records..."

In 9 of these 10 cases the CRT has determined, and the Special Master has confirmed on appeal, that the Claimant was not able to identify his or her relative as the Account Owner or as the Power of Attorney Holder of record. Accordingly, these appeals are dismissed. In one case, it was found on Appeal that CRT's reason for its finding that one of the Claimed Account Owners was not the same person as the Account Owner of record was in error and the Certified Denial was remanded to the CRT for reconsideration. It was noted that this remand relates to an account that matches to many unrelated claims and that, therefore, any award will need to reflect the rules that apply to such cases. Therefore, it is hereby

ORDERED that the 10 Decisions on Appeal listed in Annex A are hereby approved and shall be distributed to the relevant Claimants by the CRT.

It is further ordered that the Special Master shall provide the Court with the name and address of every Claimant receiving a Decision on Appeal, which information shall be filed with the Court under seal.

Dated: Brooklyn, New York
October 2, 2009

SO ORDERED:

s/Edward R. Korman

Edward R. Korman
United States District Judge